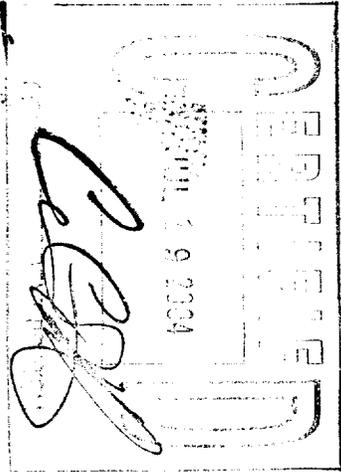


Entered 04-21-04 sb
CL 04L0260 GWENDOLYN BURNS

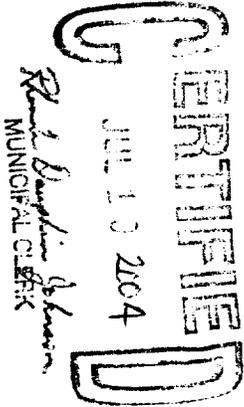
04-R -1222

CLAIM OF: CHERYL E. MAIORANO
4420 Quail Ridge Way
Norcross, Georgia 30092



For damages alleged to have been sustained when a March of Dimes banner shattered the windshield of a vehicle on April 5, 2004 at 3565 Piedmont Road, NE.

THIS ADVERSED REPORT IS APPROVED



BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

ANYCOURCY JUL 19 2004

DATE: 7/13/04

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 26, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Cheryl E. Maiorano
4420 Quail Ridge Way
Norcross, GA 30092

04-R-1222

Dear Ms. Maiorano:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0260

Date: June 29, 2004

Claimant /Victim CHERYL E. MAIORANO
BY: (Atty) (Ins. Co.)
Address: 4420 Quail Ridge Way, Norcross, Georgia 30092
Subrogation: Claim for Property damage \$ 2,676.87 Bodily Injury \$
Date of Notice: 4/19/04 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 4/5/04 Place: 3565 Piedmont Road, NE
Department PUBLIC WORKS Division: Transportation Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that she sustained vehicular damages when a March of Dimes banner fell from a pole and shattered her windshield. However, an investigation determined that the March of Dimes is responsible for the fallen banner and not the City of Atlanta. The claimant has been so advised and her claim has been forwarded to the March of Dimes for resolution.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures X Diagrams Reports: Police Dept Report X Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

[Signature]
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2P01 2J01 2H01
Claims Manager: [Signature] Concur/date 06/01/04
Committee Action: Council Action

RCS# 5906
7/19/04
2:07 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-9, EXCEPT: 04-R-1241

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	Y Willis

CONSENT I

7-19-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1154	33. 04-R-1222
2. 04-O-1156	34. 04-R-1223
3. 04-O-0765	35. 04-R-1224
4. 04-O-1249	36. 04-R-1225
5. 04-O-1263	37. 04-R-1226
6. 04-O-1034	38. 04-R-1227
7. 04-O-1265	39. 04-R-1228
8. 04-O-1266	40. 04-R-1229
9. 04-O-1264	41. 04-R-1230
10. 04-O-1151	42. 04-R-1231
11. 04-O-1262	
12. 04-O-1157	
13. 04-O-1269	
14. 04-R-1044	
15. 04-R-1049	
16. 04-R-1219	
17. 04-R-1290	
18. 04-R-1210	
19. 04-R-1289	
20. 04-R-1215	
21. 04-R-1216	
22. 04-R-1217	
23. 04-R-1218	
24. 04-R-1232	
25. 04-R-1233	
26. 04-R-1234	
27. 04-R-1235	
28. 04-R-1236	
29. 04-R-1237	
30. 04-R-1238	
31. 04-R-1239	
32. 04-R-1240	